



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/474,418 | 12/29/1999 | RONALD G. KENNEDY | GEM-30834 | 2216 |

27061 7590 09/11/2002
COOK & FRANKE S.C. (GEMS)
660 EAST MASON STREET
MILWAUKEE, WI 53202

EXAMINER

HUNT, ERIC T

ART UNIT PAPER NUMBER

2152

DATE MAILED: 09/11/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

XD

Office Action Summary

Application No.

09/474,418

Applicant(s)

KENNEDY, RONALD G.

Examiner

Eric T. Hunt

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 29 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-949)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-1450)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1-24 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,353,445 to Babula in view of what was well known in the art at the time the invention was made.
2. Regarding claim 1, Babula teaches a remote servicing communication system for in-field product comprising:
 - at least one on-line center [**column 6, line 52**] having access to service software [**column 6, lines 41-45 & 56-58**] at a centralized facility [**column 4, lines 31-32 service facility**] so as to service in-field product remotely [**column 6, lines 25-26**];
 - an in-field product [**figure 1, medical diagnostic systems 12**] at a customer site [**figure 1, medical facility 20**] [**column 6, lines 14-20**];
 - at least one portable service interface [**figure 1, field service unit 24**] operable with the in-field product at the customer site [**column 4, lines 33-36**] and having software [**column 6, lines 41-48 & column 11, lines 6-11**] for communication with the on-line center [**column 6, lines 31-33**];
 - a first communications link connecting the portable service interface to the on-line center [**figure 1, remote access network 80**]; and
 - a second communications link connecting the portable service interface with the in-field product to complete a connection between the in-field product and the on-line center through the portable service interface [**figure 1, remote access network 80**].

Babula does not explicitly teach an in-field product that is not readily capable of direct communication with the on-line center. However, Babula does disclose conventional scanners not suitable for interaction with service centers or that impose on a user **[column 2, lines 38-44]**. Babula further teaches that any suitable network connection may be employed **[column 6, lines 27-28]**. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate scanners not readily capable of direct communication because it is conventional to implement such network connections as an alternative or backup connection.

3. Regarding claim 2, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the connection between the in-field product and the on-line center is utilized to conduct a diagnostic evaluation of the infield product **[column 7, lines 5-13 & column 4, lines 55-60]**.

4. Regarding claim 3, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the in-field product is a medical image scanner and the on-line center contains service software designed for utilization with a wide variety of medical image scanners **[column 4, lines 43-50 variety of medical diagnostic system modalities]**, and

wherein after the portable service interface sends a data message identifying the medical image scanner **[column 4, lines 50-53]**, the on-line center selects service software based on the medical image scanner identification **[column 4, lines 51-54 data specifically adapted to the system modality]** and automatically downloads the selected service software to the medical image scanner **[column 4, lines 51-54 data transmitted]** or executes the selected service software from the portable service interface.

Art Unit: 2152

5. Regarding claim 4, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the connection between the in-field product and the on-line center is utilized to access data from the on-line center **[column 7, lines 5-13]**.

6. Regarding claim 5, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the accessed data from the on-line center includes at least one of a configuration file, a golden file, a protocol and a software program **[column 10, lines 10-13]**.

7. Regarding claim 6, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the portable service interface sends a data message signal to the on-line center **[column 10, lines 66-67 & column 11, lines 25-31]** identifying the in-field product **[column 4, lines 50-53]** such that the on-line center selects service software specifically designed for the in-field product **[column 4, lines 51-54]**.

8. Regarding claim 7, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the second communication link connecting the portable service interface to the in-field product is one of a serial cable and a local area network cable **[figure 1, remote access network 80 & column 7, lines 2-5]**.

9. Regarding claim 8, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the portable service interface is a laptop computer **[column 11, lines 58-60]** having loaded therein remote resource communications software **[column 11, lines 36-39]** to automatically communicate with the on-line center and transfer data therebetween **[column 11, lines 43-47]**.

10. Regarding claim 9, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the connection to the on-line center provides access to a remote on-line

Art Unit: 2152

support engineer to provide real time assistance with the in-field product through the portable service interface [**column 6, lines 52-56**].

11. Regarding claim 10, Babula teaches the invention as claimed as noted above. Babula further teaches a method of providing remote service communication between an on-line center and an in-field product at a customer site where the in-field product is not readily capable of direct communication with the on-line center comprising:

loading on-line center connectivity software on a portable service interface [**column 11, lines 6-11**]

connecting the portable service interface to the in-field product [**figure 1, network 80**];

electronically connecting the on-line center with the portable service interface [**figure 1, network 80**];

accessing data from the in-field product with the portable service interface [**column 11, lines 43-47**]; and

interfacing between the on-line center and the in-field product with the portable service interface [**column 12, lines 1-5**].

12. Regarding claim 11, Babula teaches the invention as claimed as noted above. Babula further teaches the steps of transmitting data identifying the in-field product to the on-line center for evaluating and servicing the in-field product [**column 11, lines 36-39 & column 12, lines 60-64**], and automatically selecting service software at the on-line center [**column 12, lines 7-8**], and generating in-field product evaluation information and displaying the in-field product evaluation information [**column 10, lines 45 & 52-53**] on the portable service interface [**column 12, lines 1-5 & column 10, lines 66-67 & column 11, lines 1-6**].

Art Unit: 2152

13. Regarding claim 12, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the interfacing step includes accessing data from the on-line center including at least one of a configuration file, a golden file, a protocol and a software program **[column 10, lines 10-13 & column 13, lines 33-35]**.

14. Regarding claim 13, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the in-field product is a medical image scanner **[column 4, lines 43-46 MRI & lines 66-67]** and further comprises automatically selecting at the on-line center service software based on a specific identification of the medical image scanner **[column 4, lines 51-54 data specifically adapted to the system modality]**.

15. Regarding claim 14, Babula teaches the invention as claimed as noted above. Babula further teaches further comprising the step of automatically checking whether a field service engineer requests an analysis/evaluation **[column 11, lines 36-38]**, and if so, transmitting system data to the in-field product **[column 16, lines 58-62]** and performing an analysis /evaluation of the in-field product **[column 17, lines 15-17]**.

16. Regarding claim 15, Babula teaches the invention as claimed as noted above. Babula further teaches further comprising displaying results of the analysis/evaluation so that the field service engineer can monitor the analysis/evaluation **[column 19, lines 8-23 and figure 9]**.

17. Regarding claim 16, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the connecting step further includes connecting the portable service interface to the in-field product by one of a serial cable and a local area network cable **[figure 1, remote access network 80 & column 7, lines 2-5]**.

Art Unit: 2152

18. Claims 17 and 18 contain similar limitations corresponding to the method claimed in claims 15 and 16; therefore claims 17 and 18 are rejected under the same rationale.

19. Regarding claim 19, Babula teaches the invention as claimed as noted above. Babula further teaches wherein the electronically accessing step occurs through a global computer network system [column 6, lines 25-31 Internet].

20. Claim 20 is the method claim corresponding to the system claimed in claim 9; therefore claim 20 is rejected under the same rationale.

21. Claim 21 contains similar limitations corresponding to the method claimed in claim 10 and 11; therefore claim 21 is rejected under the same rationale.

22. Claim 22 is the method claim corresponding to the system claimed in claim 3; therefore claim 2 is rejected under the same rationale.

23. Claim 23 contains similar limitations corresponding to the method claimed in claim 15; therefore claim 23 is rejected under the same rationale.

24. Claim 24 contains similar limitations corresponding to the method claimed in claim 14 and 15; therefore claim 24 is rejected under the same rationale.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

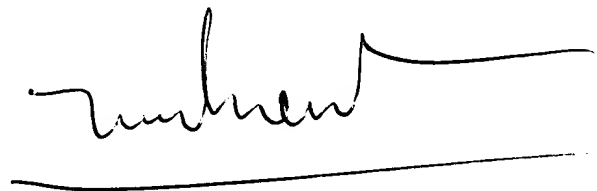
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric T. Hunt whose telephone number is 703-305-4868. The examiner can normally be reached on 7am-4pm.

Art Unit: 2152

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 703-305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

E.H.
August 28, 2002

A handwritten signature in black ink, appearing to read 'Le Hien Luu', is written over a horizontal line.

LE HIEN LUU
PRIMARY EXAMINER